

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

FOTOMEDIA TECHNOLOGIES, LLC

v.

AOL, LLC, ET AL.

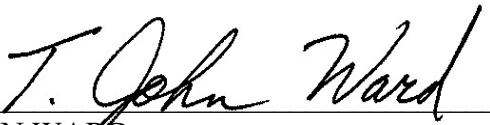
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CIVIL ACTION NO. 2:07-CV-255

**MEMORANDUM ORDER**

The above-titled and numbered civil action was heretofore referred to United States Magistrate Judge Chad Everingham pursuant to 28 U.S.C. § 636. The report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of the defendants' motion (Nos. 66 and 71) to dismiss or, in the alternative, for a more definite statement, have been presented for consideration. No objections were filed to the Report and Recommendation. The court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the court hereby adopts the report of the United States Magistrate Judge as the findings and conclusions of this court. Accordingly, the court denies the defendants' motions to dismiss or, in the alternative, for a more definite statement.

SIGNED this 24th day of September, 2008.

  
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T. JOHN WARD  
UNITED STATES DISTRICT JUDGE